

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

IRA HANNA,

Plaintiff,

VS.

CENTRAL STATE PRISON, *et al.*,

Defendants.

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NO. 5:19-cv-00230-MTT-CHW

ORDER

Pro se Plaintiff Ira Hanna, an inmate most recently incarcerated in the Central State Prison in Macon, Georgia, filed a document that was construed as a Complaint seeking relief pursuant to 42 U.S.C. § 1983 (ECF No. 1). On August 20, 2019, the United States Magistrate Judge ordered Plaintiff to either pay the required \$400.00 filing fee or submit a motion for leave to proceed *in forma pauperis* in this action. Plaintiff was also ordered to refile his Complaint using the Court's standard form. Plaintiff was given twenty-one (21) days to comply, and he was warned that the failure to fully and timely comply could result in the dismissal of his Complaint. *See generally* Order, Aug. 20, 2019, ECF No. 5.

The time for compliance passed, and although Plaintiff timely recast his Complaint (ECF No. 6), he failed to either move for leave to proceed *in forma pauperis* or pay the required filing fee. The Magistrate Judge thus ordered Plaintiff to respond and show cause why his lawsuit should not be dismissed for failing to fully comply with the Court's orders and instructions. Plaintiff was again given twenty-one (21) days to comply, and he was

warned that failure to respond to the Court's order would result in the dismissal of his Complaint. *See generally* Order, Nov. 5, 2019, ECF No. 7.

The time for compliance has now passed without a response from Plaintiff. Because Plaintiff has failed to comply with the Court's instructions and orders and otherwise failed to diligently prosecute his claims, Plaintiff's Complaint shall be **DISMISSED without prejudice**. *See* Fed. R. Civ. P. 41; *see also Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir.1978)).

SO ORDERED, this 10th day of December, 2019.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT